

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7632 of 2015**

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Ashok Kumar Singh son of Shri Beni Prasad, resident of village - Thanka, Post-Ballipur, Police Station- Hathori, Via Elemesh Nagar, District – Samastipur.

.... .... Petitioner/s

Versus

1. The State Health Society through its Executive Director, Sheikhpura, Patna.
2. Executive Director, State Health Society, Sheikhpura, Patna.
3. Additional Executive Director, State Health Society, Sheikhpura, Patna.
4. State Institute of Health and Family Member through its Director, Sheikhpura, Patna.
5. Director, Institute of Health and Family Member, Sheikhpura, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Respondent/s: Mr. Kishore Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 10-08-2015**

Petitioner was selected for appointment as a Cold Chain Technician. Thereafter, he was given a call letter to report to the office for fulfilling the requirements including the execution of the contract between the petitioner and the respondents since such a selection and appointment was on contract basis. Petitioner did not sign the contract. He avoided taking calls from the respondents, which compelled the respondents to proceed with the matter, offer appointment to the next man as well as send them for training to Pune.

Now the writ application has been filed by the petitioner seeking a mandamus upon the respondents to accept his joining. The reason for his non-execution of contract and participation is said to be

an accident which happened with his mother, leading to her admission in Base Hospital, Delhi Cantt. The petitioner is said to be the only son so was at the disposal of his mother.

The Court is not willing to investigate the reasons offered now for the reason that this Court is required to consider whether the nature of the appointment being such, petitioner has a right for consideration at this belated hour.

Additional submission made is that effort is on by the respondents to recruit some more people because of the shortage of hands and they are going to make such appointment from that list ignoring the claim of the petitioner.

The narration of facts and conduct of the petitioner is not a matter of dispute. The question of law that such appointment and selection was not a permanent appointment under the respondents but a fixed term appointment on contract cannot be disputed. There was an offer but there was no acceptance because petitioner did not sign the contract, therefore, a contract of such kind cannot be enforced through a Writ Court.

The story of the petitioner that some more appointments are going to be made, has been categorically denied by stating in the counter affidavit that no such exercise is on and the story made by the petitioner is only to get some kind of foothold after having refused to

accept the appointment in the very first place.

Writ has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

R.K.Pathak/-

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